

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:08cv89**

JAMES C. ROTEN)
 Plaintiff,)
))
 v.)
))
))
MICHAEL J. ASTRUE,)
Commissioner, Social Security)
Administration,)
 Defendant.)
_____))

ORDER

THIS MATTER is before the Court upon the Plaintiff's Application To Proceed Without Prepayment Of Fees And Affidavit, filed November 26, 2007.

By the instant Motion, the Plaintiff seeks to proceed on his Complaint against Defendant for entitlement to Supplemental Security Benefits pursuant to Title XVI of the Social Security Act without having to prepay the costs associated with bringing this action, and to have the U.S. Marshal perfect service upon the Defendant.

On August 13, 2008, this court denied the Plaintiff's Application To Proceed Without Prepayment of Fees. (Doc.#4) The Plaintiff failed to provide the court with any explanation as to how he is able to support himself. On August 28, 2008, the Plaintiff's attorney, Diane Griffin, filed an Explanation Of Request To Proceed Without Payment Of Filing Fees. (Doc. #5) The explanation represents that the Plaintiff has no independent means of support to disclose. The explanation further reports that since the Plaintiff has become disabled, he has exhausted all his resources and has been forced to move in with his parents who are taking care of him physically as well as

providing his food and clothing.

Accordingly, based upon the foregoing representations, the Court finds that the Plaintiff does not have sufficient resources from which to pay the \$350.00 filing fee associated with bringing this action.

IT IS, THEREFORE, ORDERED that the Plaintiff's Application To Proceed Without Prepayment Of Fees And Affidavit is **GRANTED**.

Signed: September 12, 2008

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

